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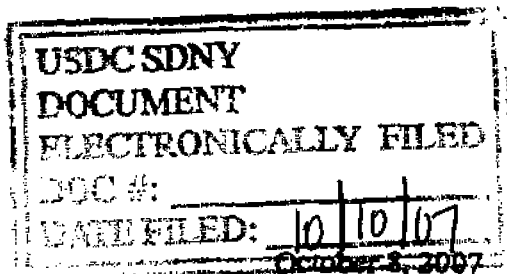
**MEMO ENDORSED**

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MATTHEW D. LIPPMAN  
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OF COUNSEL:  
 ROBERT L. KRASNOW

**VIA FACSIMILE (212) 805-6724**

Hon. Frank Maas  
 United States District Court  
 Southern District of New York  
 United States Courthouse, Room 740  
 500 Pearl Street  
 New York, New York 10007-1312

*We will discuss this application on 10/16/07 during the previously scheduled conference. Counsel should arrange for Mr. Levine to participate by telephone. Maas, USMS, 10/9/07*

Re: Highgate House, LLC v. Michelex Corp.  
Docket No. 07 CV 6417

Dear Justice Maas:

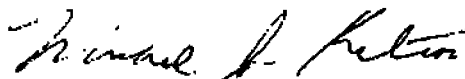
This firm is the local counsel of record for defendant Michelex Corporation in the above-referenced action.

Pursuant to the Court rules, we are submitting this letter to request a pre-motion conference. The relief we will be requesting in our motion is for leave to withdraw as counsel of record for defendant. The basis for our motion is defendant's failure and refusal to pay our outstanding invoice for legal fees, which defendant is obligated to do pursuant to our written retainer agreement. Despite our repeated efforts to obtain payment, our invoice is over 60 days outstanding. Please note that defendant does have co-counsel in this matter, Louis L. Levine, Esq. of the law firm of Melvin & Melvin, PLLC, located in Syracuse, New York, although, upon information and belief, co-counsel is not presently admitted to practice in this Court.

We will also be requesting an extension of time for defendant to respond to plaintiff's interrogatories and request for admissions, and for an adjournment of the initial scheduling conference, to so as to give defendant the opportunity to obtain new local counsel of record.

I have communicated the aforementioned to counsel for plaintiff, Robert D. Weber, Esq. He has indicated that, while he cannot object to our firm withdrawing as counsel of record, he will object to defendant's obtaining any extension of time, in that defendant has in place the legal representation of Mr. Levine, who is actively involved in the case.

Respectfully submitted,  
LIPPMAN KRASNOW & KELTON LLP



Michael S. Kelton (MK4636)

MSK/kb

cc: Robert D. Weber, Esq.  
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